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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,268	06/27/2003	Chin-Min Lu	3079/178	4737

7590 08/27/2004

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EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,268

Applicant(s)

LU ET AL.

Examiner

Ed Swinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawlings.

Rawlings provides a pair of floating members attached to a seat. A bolt is provided for interconnection via a plurality of holes. Handles **6** and **7** are provided.

3. Claims 1,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill.

Hill discloses a seat detachably affixed to a pair of floats. The assembly is "H" shape.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Haley et al.

Haley et al. Discloses interconnected floats. Connecting members and holes are provided.

5. Claims 1-6 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Newton et al.

Newton et al. Provides a floating kit being of H-shape and having non-slip material on the floats thereof. Rods, sleeves and snap-pins are provided for interconnection.

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Re claim 5, there will inherently be, during assembly, a T-shaped device formed before the second float is attached.

6. Claims 1,2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeung.

Yeung discloses an "8" shaped seat, and attachable floats as claimed.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haley et al.

Haley et al. Fails to specifically the claimed shapes, however the floats can be assembled in any desired configuration.

It would have been obvious to one of ordinary skill in the art at the time of the invention to assemble the floats of Haley et al. into a T or H shape.

Such a shape would have been desirable at the time the invention was made so as to provide for the amusement of the operator, providing no unexpected results.

Re "for surfing", such is intended use, carrying no weight in the claim.

9. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawlings.

Provision of a oar on a boat is considered to have been obvious to any user thereof, providing no unexpected results.

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Re claim 7, Rawlings states that the floats may be locked into any desired configuration with respect to the seat.

It would have been obvious to one of ordinary skill in the art at the time of the invention to form a bow shaped watercraft with the floats of Rawlings rotated downwardly.

Such a combination would have been desirable at the time the invention was made so as to provide for amusement of the operator.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of McCredie.

Hill fails to disclose EVA foam, as is considered old in the art.

McCredie discloses EVA foam.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use EVA foam, as the foam of Hill as taught by McCredie.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in construction and durability.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ed Swinehart', with a stylized, looping flourish at the end.

Ed Swinehart
Primary Examiner
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